Criminal Court Reform: Magistrates' Courts

Overview

- Magistrates are the backbone of our courts, giving their time, experience, and commitment in service of their communities.

- The magistrates' courts are a high-volume, high-turnover jurisdiction. They are fair, effective, and efficient, handling the vast majority of criminal court cases - over 90% of criminal cases in England and Wales start and finish in the magistrates' courts.

Caseload

- The magistrates' courts are operating well - in 2025, they handled almost 1.5 million cases and 73% of cases completed at the first listing. In the quarter ending June 2026, they disposed of 357,064 cases, whereas the Crown Court disposed of 27,837 cases in the same period.

- As of June 2026, the median time from charge to completion for completed cases was just 50 days in the magistrates' courts. This compares favourably to the Crown Court where it was 189 days – rising to 245 days where the defendant was on bail. The median time at-court for non-SJP cases in the magistrates' courts is just 7 days.

Courts and Tribunals Bill

- The structural court reforms in the Bill are based on Lord Leveson's recommendations and on a simple principle – that all cases that can be heard by the magistrates' courts *should* be heard there, sooner and more efficiently than if they were allocated to the Crown Court, freeing up Crown Court time for the most serious cases.

Capacity

- The Government is taking action to ensure the magistrates' courts can continue to handle increasing demand on the criminal justice system. That includes building capacity - we have increased funded sitting days for magistrates' courts from 114,000 last year to 125,800 in 2026/27, rising to a target of 131,000 sitting days by 2028/29.

- We are on track to meet our target of 21,000 magistrates in 2028/29 - almost 1,500 appointments have been made across England and Wales since April, twice as many as in the same period last year. This recruitment is backed by increased funding for magistrate training.

- Alongside this, in 2025 we recruited 50 new Deputy District Judges - and identified a reserve list of 86 additional candidates, whose appointments are now underway – and recruitment is underway for 30 District Judges. Since April 2025 we have also appointed 166 more legal advisers and have a new campaign live now for 80 more.

Background

- Around 60% of cases completed in the magistrates' courts are handled under the **Single Justice Procedure** (SJP), as set out in the table below. The SJP is used for minor, non-contested offences, and cases are typically determined by a magistrate without a hearing. Examples of SJP cases include driving without insurance, travelling on a train without a ticket, and failing to register a new vehicle keeper.

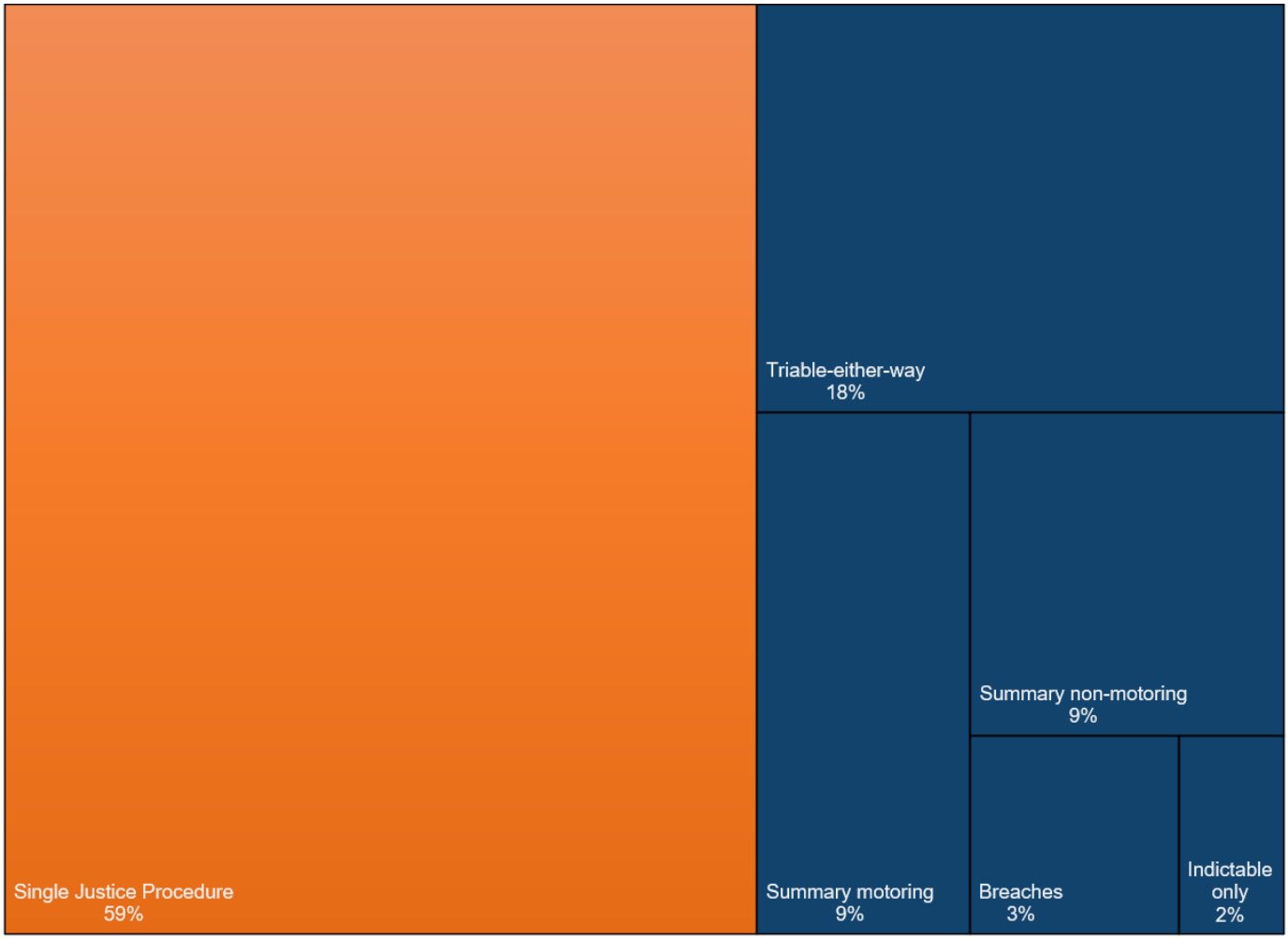
- The magistrates' courts have different sentencing powers to the Crown Court. They can impose the full range of non-custodial sentences – community sentences, fines and discharges - but the longest custodial sentence a magistrates' court can impose currently is 12 months.

- In the year to June 2026, of 1,113,000 sentences imposed in the magistrates' courts, immediate custody accounted for just 3%, community sentences for 9%, and fines for 83%.

Magistrates' Courts: Caseload

- The open caseload in the magistrates' courts has increased in recent quarters, in line with increased demand on the criminal justice system. The latest published statistics show that there are around 380,000 cases in the caseload at the end of June 2026. Around 50% (184,000) of that caseload is SJP work.

Magistrates' Courts Disposals: 12 months to June 2026



- This caseload reflects the fact that the magistrates' courts are a high-volume, high-turnover jurisdiction – in the quarter ending June 2026, the Crown Court disposed of 27,837 cases and the magistrates' courts disposed of 357,064 cases.

- As of June 2026, the median time from charge to completion for completed cases was just 50 days in the magistrates' courts. In the Crown Court, this was 189 days – rising to 245 days where the defendant was on bail. The median time at court for non-SJP cases in the magistrates' courts is just 7 days.

- Based on the current open caseload and disposal rates, the magistrates' courts could clear their open caseload in just over three months if no new cases entered the system - compared with nearly nine months in the Crown Court. That means the magistrates' courts could clear their caseload three times faster than the Crown Court, despite the substantially higher volumes of cases entering that jurisdiction.

- A good comparator is to look at **triable-either-way (TEW) cases** - given some of these are heard in the magistrates' courts and some in the Crown Court, depending on whether the magistrates' courts have the sentencing powers to retain the specific case.

- As the table below sets out, the magistrates' courts are dealing with such cases significantly more quickly than the Crown Court.

Quarter ending June 2026	**Magistrates' Courts**	**Crown Court**
TEW disposals	63,676	11,264
Median 'at court' case-length for TEW cases	16 days	198 days
Median 'at court' case-length for TEW trial cases – i.e. where defendant pleads not-guilty	157 days	438 days (554 days where defendant is on bail)

The Courts and Tribunals Bill

- The structural court reforms in the Bill are based on Lord Leveson's recommendations and are a principled and pragmatic approach to improving our criminal courts.

- The Government is clear that all cases that can be heard by the magistrates' courts *should* be heard there - sooner and more efficiently than if they were allocated to the Crown Court – and that the decision on whether a case is suitable for the magistrates' courts is one for the court, not the defendant.

- This means suitable cases are heard, promptly and fairly, in the magistrates' courts. It also means that Crown Court time is reserved for the most serious cases that genuinely require it – enabling Crown Court cases to be handled as quickly as possible.

- The Bill's published Economic Impact Assessment sets out that the structural reforms would increase demand in the magistrates' court by around **8,500 sitting** days per year in steady state following implementation.

- In terms of the impact on case lengths, we are confident that these TEW offences - the most serious trial work in the magistrates' courts - will continue to progress substantially more quickly in the magistrates' courts than in the Crown Court after our reforms.

- As the table above shows, the average "at court" time for a not guilty TEW trial case in the magistrates' courts is about 5 months (157 days), compared to 18 months in the Crown Court where the defendant is on bail. After our reforms, we still expect this type of case to be dealt with considerably quicker (in c. 8 – 9 months)[1] than if they had been dealt with in the Crown Court.

- **Importantly, the reforms retain more cases in the magistrates' courts, but they do not adjust or alter the working of the magistrates' courts or the way in which the magistrates' courts handle cases.**

- The Government is committed to ensuring we thoroughly evaluate the impacts of these measures. The statutory independent review will consider the impacts of the reforms on disparities between different defendants. In addition, we will undertake wider evaluation of the operation and impact of the reforms, in line with government best practice on evaluation and to support post-legislative scrutiny.

Magistrates' Court Sentencing Powers

- The Bill enables the general custodial sentencing limit of magistrates' courts for relevant TEW offences to be increased to 18 or 24 months through secondary legislation.

- The Government's intention, set out in the published Impact Assessment, is to increase the limit initially to 18 months. This will allow more cases to be retained for trial and sentence in the magistrates' courts.

- This does not increase the statutory maximum sentence for any offence.

- Where a case ends up requiring a sentence beyond magistrates' courts' powers, it can still be committed to the Crown Court for sentence.

Removal of the Right to Elect

- The Bill removes defendants' right to elect a Crown Court trial for TEW offences where the magistrates' court has decided that it can hear the case. It also removes the requirement for defendants' consent before the Crown Court can return a suitable case to the magistrates' courts. Decisions about the appropriate court will therefore sit with the judiciary.

[1]This has been estimated using the same modelling as described at Annex E of the IRCC Part II Chapter 2 report (pp 725-6). It now includes the additional demand from the structural reforms (8,500 sitting days) and the timeliness estimates assume that these will increase in line with increases in open caseload. The true impact will depend on several factors, including how the courts prioritise their work.

- Magistrates and District Judges will continue to assess whether a case is suitable for the magistrates' courts on a case-by-case basis.

- The existing allocation framework requires the magistrates' courts to consider the likely sentence, relevant guidelines, and representations from both the prosecution and defence. Unusual legal, procedural, or factual complexity can mean magistrates' courts can still send a case to the Crown Court. Removing election does not remove or alter this judicial assessment.

Appeals from the Magistrates' Courts

- The Bill replaces the automatic right to appeal to the Crown Court with a permission stage, at which a judge considers whether the appeal should proceed, in line with Crown Court appeals to the Court of Appeal.

- Where permission is granted, the hearing will address the grounds on which permission was given, rather than automatically rehearing the whole case.

- This preserves a route to challenge decisions but prevents Crown Court time from being wasted on appeals without merit, sparing victims and witnesses from routinely giving evidence twice.

- To support this change, trial and sentencing proceedings in magistrates' courts will be audio recorded, providing a reliable record to support consideration of an appeal. Appeal hearings will be conducted by a judge sitting alone, rather than a judge sitting with magistrates, releasing magistrates' time for other court work.

Magistrates' Court: Capacity

- We are taking the action necessary to ensure the magistrates' courts can meet increased demand.

Investment

- We are increasing funded court sitting days from 114,000 last year to 125,800 in 2026/27, rising to a target of 131,000 sitting days by 2028/29. Funding has also been set aside for up to 140,000 days in 2028/29, subject to the workforce increasing sufficiently to deliver them.

- Alongside sitting day investment, we are investing £287 million across the court estate in vital repairs and digital upgrades, and an additional £13 million per year for criminal legal aid in the magistrates' courts.

Efficiency

- We are working to modernise and improve the efficiency of our criminal courts, including the magistrates' courts.

- For example, we are making greater use of remote hearings in accordance with the new judicial guidance about live video links, including over £17 million investment over the next three years to pilot virtual remand hearings.

Recruitment

- Under the previous government, the size of the magistracy halved, from 29,270 magistrates in 2010 to just 12,506 by 2022. As of April 2026, 15,259 magistrates were in post.

- We are committed to rebuilding the magistracy, with a target of 21,000 magistrates in 2028/29. This target takes account of expected demand into the magistrates' courts in the coming years, including the impact of the Bill.

- **We are on track to meet this target** - almost 1,500 appointments have been made across England and Wales since April, twice as many as in the same period last year.

- Recent appointments are helping to make the magistracy more representative: in 2025/26, 17% of new appointments were from ethnic minority backgrounds compared with 14% of serving magistrates, and more than a third of new recruits were under 50, compared with less than a fifth of the existing magistracy. Women account for 55% of new appointments, compared to 57% of magistrates currently in post.

- On 24 September 2026, we launched our revamped multi-million-pound magistrates' recruitment campaign "*You've got the makings of a magistrate*." This campaign aims to encourage more people to consider becoming a magistrate by challenging common misconceptions about who can become a magistrate, broadening the pool of potential applicants, and helping to build a more diverse magistracy.

- We are also improving the recruitment process itself, with the aim of halving application timelines, making the process quicker and more accessible for applicants, and ensuring we reach candidates from the widest possible range of backgrounds.

- District Bench recruitment also continues to launch each year, with District Judges and Deputy District Judges recruited in alternate years. Projected demand increases are always factored into our judicial recruitment programme.

- In 2025, we recruited 50 new Deputy District Judges, and we identified a reserve list of 86 additional candidates, whose appointments are now underway. Recruitment is currently underway for 30 District Judges, and further Deputy District Judge recruitment is planned in early 2027.

- Legal advisers provide the specialist legal and procedural advice to support magistrates in making decisions and maintaining an accurate record of court proceedings.

- We have appointed 166 more legal advisers since April 2025 and have a new campaign live now for 80 more. Our aim is to recruit 100 new legal advisers each year for 3 years.

- Lord Leveson's Independent Review of the Criminal Courts recommended that:

    - *His Majesty's Courts and Tribunals Service implements pay parity with Crown Prosecution Service lawyers to support the retention of legal advisers.*

    - *His Majesty's Courts and Tribunals Service establishes clearer career paths and development opportunities for legal advisers, including providing pupillages.*

- HMCTS is developing a package of pay, progression, and career development reforms. This includes the new Senior Legal Adviser role as primary court-taker, to approximate the primary CPS prosecutor role and reduce attrition.

- We are developing an assessed progression route so experienced legal advisers can advance through an enhanced specialist progression pathway.

- We are also strengthening the national coordination of legal adviser workforce planning, recruitment and retention. This will bring these activities together and improve our understanding of workforce trends, helping us target action to sustain legal adviser capacity.

Training

- Magistrates already hear serious and complex cases. Across the criminal, family, and youth jurisdictions, they regularly deal with challenging matters including domestic abuse and serious violent offending.

- Magistrates sitting in Youth Courts already have powers to impose detention and training orders of up to 24 months.

- All newly appointed magistrates complete a four-day induction programme, providing a strong foundation in fundamental concepts ahead of first sitting. It takes up to six weeks to complete the induction programme, allowing time for reflection and learning to embed. Timelines from appointment to the start of the induction programme depend on a range of factors, including delegate availability and cohort size.

- Around a third of currently serving magistrates are Presiding Justices (who chair the bench in court). Magistrates can apply to become Presiding Justices in the adult court following successful completion of two appraisals, one of which can be the threshold appraisal. All Presiding Justices in the adult court undertake two days of training.

- The Judicial College has already begun planning training for magistrates, legal advisers, and District Judges for the Courts and Tribunals Bill reforms.

- We have increased the funding available for training, in line with the Judicial College's estimates for the additional resources required to support the training needs of a larger magistracy. The Judicial College has significantly increased the number and frequency of induction events to meet the needs of our magistrates' recruitment programme.

- As with the increase of magistrates' court sentencing powers to 12 months, sentencing powers will not be extended until sufficient magistrates, legal advisers, and District Judges have completed the necessary training.